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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/772,455

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Michael D. Rahn

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Esther H. Chong, Esquire
Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER

PAN, YUWEN

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,455

Applicant(s)

RAHN ET AL.

Examiner

Yuwen Pan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-38 and 40-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-38 and 40-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 36, 45, 48, and 49 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner has acknowledged that claims 1-36 and 39 have been canceled with prejudice and claim 48 and 49 are newly added.

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-38, and 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US006556826B1) in view of Rouphael et al (US006278725B1).

With respect to claim 36, Johnson discloses a method for establishing cordless communication between a host computer and at least one portable communications device using a docking device, wherein the docking device is connected to the host computer and capable of synchronizing the portable communications device and the host computer when the communications device is docked in the docking device, the method comprising: communicating a signal between the host computer and the portable communications device through the docking device without docking of the portable communications device in the docking device (see figure 3, items 306, 302, 300, 308, 303, and column 4 and lines 41-column 5 and line 13).

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Johnson further teaches that the communication use spread spectrum radio technology (see column 1 and line 40-42). Johnson doesn't expressly teach that the communication uses cordless spread spectrum radio technology.

Rouphael teaches that spread spectrum technology is applicable widely such as cellular communication and cordless communication systems (see column 7 and lines 5-14).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Rouphael with Johnson's method such that a cordless communication system would be reliable and robust from interference.

With respect to claim 45, Johnson further discloses a computer program product embodied on computer readable media readable by a computing device, the product comprising:

computer-readable program code means for providing personal digital assistant (PDA) functions to a portable communications device; and computer-readable program code means for configuring a host computer and the portable communications device to perform cordless communication each other through a docking device without requiring docking of the portable communications device in the docking device (column 4 and lines 41-column 5 and line 13, column 6 and lines 32-51).

Johnson further teaches that the communication use spread spectrum radio technology (see column 1 and line 40-42). Johnson doesn't expressly teach that the communication uses cordless spread spectrum radio technology.

Rouphael teaches that spread spectrum technology is applicable widely such as cellular communication and cordless communication systems (see column 7 and lines 5-14).

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It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Rouphael with Johnson's method such that a cordless communication system would be reliable and robust from interference.

With respect to claim 37, Johnson further discloses the docking device includes two wireless interfaces, and wherein the communicating step communicates the signal through both of them (see figure 3 and items 303 and 310, see column 4 and line 41-column 5 and line 3).

With respect to claims 40, Johnson further discloses the portable communications device is a personal digital assistant (PDA) device (see figure 3 and item 306).

With respect to claims 38, 41, 42, 44, 46, and 47, Johnson discloses his invention includes a multipoint multichannel distribution path in which imply that his system is capable to communicate with more than one PDAs or other telecommunication devices simultaneously (see column 4 and lines 55-60).

Johnson doesn't disclose that each portable communication device has unique identifiers and the signal from the host computer to a plurality of PDAs, using a set of predetermined security keys (encryption and decryption codes) commonly assigned to the PDAs and each security keys assigned to the PDAs is different from each other.

The examiner takes "Official Notice" of the fact that is notoriously well known in the art to have distinguished ID assigned to each portable communication device within a system and provide unique security keys for each portable communication device, in order to avoid miscommunication between portable communications devices or the host computer and prevent unauthorized users to access the main facility.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize distinguish ID assigned to and provide unique security keys for each portable communication devices within Johnson's invention such that there would be no miscommunication between portable communications devices or the host computer and unauthorized users to access the main facility.

5. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US006556826B1) in view of Rouphael et al (US006278725B1) and further in view of Whitridge et al (US006119179A).

Johnson discloses a method for establishing cordless communication between a host computer and at least one portable communications device using a docking device, wherein the docking device is connected to the host computer and capable of synchronizing the portable communications device and the host computer when the communications device is docked in the docking device, the method comprising: communicating a signal between the host computer and the portable communications device through the docking device without docking of the portable communications device in the docking device (see figure 3, items 306, 302, 300, 308, 303, and column 4 and lines 41-column 5 and line13).

Johnson further teaches that the communication use spread spectrum radio technology (see column 1 and line 40-42). Johnson doesn't expressly teach that the communication uses cordless spread spectrum radio technology.

Rouphael teaches that spread spectrum technology is applicable widely such as cellular communication and cordless communication systems (see column 7 and lines 5-14).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Roupael with Johnson's method such that a cordless communication system would be reliable and robust from interference.

Combination of Roupael and Johnson's method doesn't teach establishing a communication between a chat program and an email program on the host computer and program on the portable communication device.

Whitridge teaches establishing a communication between a chat program and an email program on the host computer and program on the portable communication device (see column 3 and lines 43-67).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching Whitridge with the combination of Roupael and Johnson's method such that the user of the portable communication device would be about to access email and connect with buddies over the Internet in a remote location.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Showghi et al (US006473739B1) discloses remote ordering system. Carau (US006516358B1) discloses appliance communications manager. Tseng et al (US006364697B1) teaches palmtop computer docking system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
April 19, 2004


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600